UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,627	12/28/2004	Michael Schlereth	2002P08760WOUS	7845

7590   08/04/2008

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ART UNIT	PAPER NUMBER
2157	

MAIL DATE	DELIVERY MODE
08/04/2008	PAPER

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/519,627
Filing Date: December 28, 2004
Appellant(s): SCHLERETH, MICHAEL

JOHN P. MUSONE
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 06/09/2008 appealing from the Office

action mailed 01/08/2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct. (Note: Examiner points out the stated reasons for not entering the amendment are indeed understandable since Applicant's amendment brought forth a change of scope in the claims and thus, further search and review is needed. Although there was a minor typographical error made where the reasons stated were directed to claim 1 (cancelled), the arguments still applied to the claims presented (claims 28~32 and 34~46)).

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US 7,159,022   Primm et al.   01-2007

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 28~32 and 34~46 are rejected under 35 U.S.C. 102(e) as being anticipated by Primm et al. hereinafter Primm (U.S 7,159,022).

Regarding Claim 28, Primm taught the invention substantially as claimed including a method for communication and/or transmission of information between automation devices via a data transmission system, the method comprising:

sending and/or receiving requests and/or replies by each participating automation device (Col. 9, Ln. 12~22), wherein

the communication and/or transmission of information takes place directly between the automation devices (Col. 9, Ln. 12~22); and

sending an address by the automation devices directly to the automation device which submits the request (Col. 9, Ln. 38~43),

wherein all of the automation devices forward each request which arrives via a receiving mechanism to all other automation devices for which it has knowledge (Col. 7, Ln. 27~52; Col. 9, Ln. 12~22).

Regarding Claim 37, Primm taught the invention substantially as claimed including an automation device for communicating with and/or transmitting information

to and from further automation devices via a data transmission system, the automation device comprising:

mechanisms for sending and/or receiving requests and/or replies (Col. 9, Ln. 12~22), wherein

the mechanisms are adapted for direct communication and/or transmission of information between the automation devices (Col. 9, Ln. 12~22), and wherein

the automation device is used for directly sending an address to an automation device which submits a request (Col. 9, Ln. 38~43),

wherein the mechanisms are adapted to forward each request which arrives via a receiving mechanism to all other automation devices for which there is knowledge (Col. 7, Ln. 27~52; Col. 9, Ln. 12~22).

Regarding Claim 44, Primm taught the invention substantially as claimed including an automation system comprising:

a data transmission system for communicating and/or transmitting information between automation devices (Col. 9, Ln. 12~22); and

at least one automation device, the automation device comprising:

mechanisms for sending and/or receiving requests and/or replies, wherein the mechanisms are adapted for direct communication and/or transmission of information between the automation devices (Col. 9, Ln. 12~22), and wherein

the automation device is adapted for directly sending an address to an automation device which submits a request (Col. 9, Ln. 38~43) and

the mechanisms are adapted to forward each request which arrives via a receiving mechanism to all other automation devices for which there is knowledge (Col. 7, Ln. 27~52; Col. 9, Ln. 12~22).

Regarding Claim 29, Primm taught the communication between the automation devices takes place in the form of peer-to-peer communication (Col. 7, Ln. 53~60).

Regarding Claim 30, Primm taught communication and/or transmission of information takes place via an Intranet and/or Internet (Col. 6, Ln. 32~38).

Regarding Claim 31, Primm taught communication takes place via a basic service of an operating system (Col. 6, Ln. 32~38; HTTP, FTP are protocols used as services by an operating system).

Regarding Claim 32, Primm taught each automation device sends a request via the data transmission system to all other automation devices of which it has knowledge (Col. 8, Ln. 8~14).

Regarding Claim 34, Primm taught the automation devices directly collect information from automation devices that make information available at the address which has been sent (Col. 17, Ln. 12~46; Col. 7, Ln. 42~49).

Regarding Claim 35, Primm taught the forwarding of the request through the automation devices is canceled on the basis of a time limit (Col. 8, Ln. 28~44).

Regarding Claim 36, Primm taught a plurality of automation devices are configured to send and receive requests and the addresses of the participating automation devices are managed by a device other than one of the automation devices which is connected to the data transmission system (Col. 17, Ln. 60~Col. 18, Ln. 1~5, a

directory (<u>stored on a server</u>) contains information (address, resources, etc.) about the network appliances in the network).

  <u>Regarding Claim 38</u>, Primm taught the mechanisms are used for peer-to-peer communication between the automation devices (Col. 7, Ln. 53~60).

  <u>Regarding Claim 39</u>, Primm taught the mechanisms for sending and/or receiving are designed as a basic service of an operating system for communication (Col. 6, Ln. 32~38; HTTP, FTP are protocols used as services by an operating system).

  <u>Regarding Claim 40</u>, Primm taught the automation device is used for sending a request via the data transmission system to all other automation devices of which it has knowledge (Col. 8, Ln. 7~46).

  <u>Regarding Claim 41</u>, Primm taught the data transmission system includes a plurality of automation devices each configured to send and receive requests and a device in addition to the automation devices which manages the addresses of the participating automation devices (Col. 17, Ln. 60~Col. 18, Ln. 1~5, a directory (<u>stored on a server</u>) contains information (address, resources, etc.) about the network appliances in the network).

  <u>Regarding Claim 42</u>, Primm taught the mechanisms for sending and/or receiving are adapted for the direct collection of information from automation devices which make information available at the address which has been sent (Col. 17, Ln. 12~46).

  <u>Regarding Claim 43</u>, Primm taught the request comprises a mechanism for canceling its forwarding through the automation devices on the basis of a time limit (Col. 8, Ln. 28~44).

Regarding Claim 45, Primm taught the data transmission system is an Intranet and/or Internet (Col. 6, Lines 32~38).

Regarding Claim 46, Primm taught a plurality of additional automation devices are configured to send and receive requests, the system further comprising a device other than one of the automation devices connected to the data transmission system for managing the addresses of the participating automation devices (Col. 17, Ln. 60~Col. 18, Ln. 1~5, a directory (stored on a server) contains information (address, resources, etc.) about the network appliances in the network).

(10) Response to Argument

The examiner summarizes the various points raised by the Appellant and addresses replies individually.

As per Appellant's argument that:

1. Primm fails to describe or suggest "all of the automation devices forward each request which arrives via a receiving mechanism to all other automation devices for which it has knowledge."

In reply to argument (1), Examiner asserts Primm taught the argued limitation as cited in both the Non-Final and Final office actions. The cited passage of Col. 7, Ln. 27~52 provides an example of an appliance configured to have alarm settings. Once an alarm condition is achieved, the appliance may send an alert, **either** to other network appliances **or** to the remote monitoring system. Furthermore, another example is provided of a camera appliance taking a picture of the person entering the door and then sends the picture to the remote monitoring system **or** alternately may send the

picture to another network appliance (Col. 7, Ln. 45~49). Both instances expressly shows that the appliance that monitors alarm conditions and the camera appliance taking pictures, send their respective information to **either** the remote monitoring system or to another network appliance. In essence, both appliances send respective information to all other appliances for which it has knowledge for further processing.

For the above reason, claims 28, 37 and 44 stands rejected.

2. Primm fails to describe or suggest, "the communication between the automation devices takes place in the form of peer-to-peer communication."

In reply to argument (2), Examiner asserts Primm taught the argued limitation as cited in both the Non-Final and Final office actions. It appears Appellant has failed to carefully read the cited portion as the cited passage of Col. 7, Ln. 53~60 clearly teaches the behavior of the network appliances are achieved through peer-to-peer network communication.

For the above reason, claim 29 stands rejected.

3. Primm fails to describe or suggest, "communication and/or transmission of information takes place via an Intranet and/or Internet."

In reply to argument (3), Examiner asserts Primm taught the argued limitation as cited in both the Non-Final and Final office actions. It appears Appellant has failed to carefully read the cited portion as the cited passage of Col. 6, Ln. 32~38 clearly teaches the network appliances connected to the interconnected network may be a global network, WAN (implies Internet), LAN (implies intranet), and among others.

For the above reason, claim 30 stands rejected.

    4. Primm fails to describe or suggest, "communication takes place via a basic
service of an operating system."

    In reply to argument (4), Examiner asserts Primm taught the argued limitation as
cited in both the Non-Final and Final office actions. Examiner directs Appellant to ¶11 in
the specification which states "standardized HTTP sockets such as the socket 80, for
example, can be used as basic services <u>which are provided</u> by the operating system."
The cited passage of Col. 6, Ln. 32~38 teaches various protocols used by the network
appliances include SNMP, FTP, HTTP, and etc. Examiner also point out that HTTP, a
commonly used protocol by operating systems specifically in web servers, utilize
port/socket 80 for all Internet related communications.

    For the above reason, claim 31 stands rejected.

    5. Primm fails to describe or suggest, "each automation device sends a request
via the data transmission system to all other automation devices of which it has
knowledge."

    In reply to argument (5), Examiner asserts Primm taught the argued limitation as
cited in both the Non-Final and Final office actions. While Examiner cited Col. 17, Ln.
31~46 in the previous actions, Appellant is reminded, as written in the conclusion of the
Non-Final action, *"Examiner has cited particular columns and line numbers in the
references applied to the claims…other passages and figures may apply as well. It is
respectfully requested…to fully consider the references in **<u>entirety</u>** as potentially
teaching all or part of the claimed invention…"* To further clarify and support the
previously cited portion, Examiner cites another portion (Col. 8, Ln. 8~14) where a

network appliance is assigned to monitor several other network appliances. A network appliance pings multiple other appliances and receives pings from other sets of network appliances. Examiner takes position that pinging is analogous to a request made to another device in the network and as such, when a network appliance pings multiple appliances (has knowledge of the appliances) and monitors them at the same time, is sufficient for rejecting the claim.

For the above reason, claim 32 stands rejected.

6. Primm fails to describe or suggest, "the automation devices directly collect information from automation devices that make information available at the address which has been sent."

In reply to argument (6), Examiner asserts Primm taught the argued limitation as cited in both the Non-Final and Final office actions. The Examiner cites another portion, Col. 7, Ln. 42~49, to further clarify and support the previous cited portion. The passage provides an example of a camera appliance taking a picture of the person entering the door when the door sensor network appliance is activated. Since the camera network appliance is known to the door sensor network appliance (its address, information is known) all other network appliances in the network generally have knowledge of that camera network appliance. Therefore, door sensor network appliance already collected information about the camera sensor network appliance (its address provided during discovery) and is able to communicate with it whenever an alarm is activated.

For the above reason, claim 34 stands rejected.

7. Primm fails to describe or suggest, "forwarding of the request through the automation devices is canceled on the basis of a time limit."

In reply to argument (7), Examiner asserts Primm taught the argued limitation as cited in both the Non-Final and Final office actions. Examiner directs Appellant to ¶17 in the specification which states "...the request made by an automation device to all further participants within the system does not necessarily live forever if none of the participants within the system is able to make information available..." A ping message in essence, does not "live forever" since a timeout will occur if a response isn't received within the a) default timeout value or b) user-defined timeout value. Hence, the timeout is similar to cancelling the ping message so as to avoid unnecessary network traffic.

For the above reason, claim 35 stands rejected.

8. Primm fails to describe or suggest, "a plurality of automation devices are configured to send and receive requests and the addresses of the participating automation devices are managed by a device other than one of the automation devices which is connected to the data transmission system."

In reply to argument (8), Examiner asserts Primm taught the argued limitation as cited in both the Non-Final and Final office actions. It appears Appellant has failed to carefully read the cited portion as Col. 17, Ln. 60~Col. 18, Ln. 1~5 clearly teaches a device directory containing information (such as addresses, resources, etc.) about the network appliances in the network are stored **on a server** (not acting as a server as Appellant contends). Examiner does not find any differences between a directory stored on a server keeping track of appliance information (i.e. addresses) and Appellant's

argued "management device" managing the addresses of the automation devices. This is because they are <u>both analogous</u> and therefore, the cited portion reads on the claim.

For the above reason, claim 36 stands rejected.

9. Primm fails to describe or suggest, "the mechanisms are used for peer-to-peer communication between the automation devices."

In reply to argument (9), Examiner asserts Primm taught the argued limitation as cited in both the Non-Final and Final office actions. It appears Appellant has failed to carefully read the cited portion as the cited passage of Col. 7, Ln. 53~60 clearly teaches the behavior of the network appliances are achieved through peer-to-peer network communication.

For the above reason, claim 38 stands rejected.

10. Primm fails to describe or suggest, "the mechanisms for sending and/or receiving are designed as a basic service of an operating system for communication."

In reply to argument (10), Examiner asserts Primm taught the argued limitation as cited in both the Non-Final and Final office actions. Examiner directs Appellant to ¶11 in the specification which states "standardized HTTP sockets such as the socket 80, for example, can be used as basic services <u>which are provided</u> by the operating system." The cited passage of Col. 6, Ln. 32~38 teaches various protocols used by the network appliances include SNMP, FTP, HTTP, and etc. Examiner also point out that HTTP, a commonly used protocol by operating systems specifically in web servers, utilize port/socket 80 for all Internet related communications.

For the above reason, claim 39 stands rejected.

11. Primm fails to describe or suggest, "the automation device is used for sending a request via the data transmission system to all other automation devices of which it has knowledge."

In reply to argument (11), Examiner asserts Primm taught the argued limitation as cited in both the Non-Final and Final office actions. While Examiner cited Col. 17, Ln. 31~46 in the previous actions, Appellant is reminded, as written in the conclusion of the Non-Final action, *"Examiner has cited particular columns and line numbers in the references applied to the claims…other passages and figures may apply as well. It is respectfully requested…to fully consider the references in **entirety** as potentially teaching all or part of the claimed invention…"* To further clarify and support the previously cited portion, Examiner cites another portion (Col. 8, Ln. 8~14) where a network appliance is assigned to monitor several other network appliances. A network appliance pings multiple other appliances and receives pings from other sets of network appliances. Examiner takes position that pinging is analogous to a request made to another device in the network and as such, when a network appliance pings multiple appliances (has knowledge of the appliances) and monitors them at the same time, is sufficient for rejecting the claim.

For the above reason, claim 40 stands rejected.

12. Primm fails to describe or suggest, "the data transmission system includes a plurality of automation devices each configured to send and receive requests and a device in addition to the automation devices which manages the addresses of the participating automation devices."

In reply to argument (12), Examiner asserts Primm taught the argued limitation as cited in both the Non-Final and Final office actions. It appears Appellant has failed to carefully read the cited portion as Col. 17, Ln. 60~Col. 18, Ln. 1~5 clearly teaches a device directory containing information (such as addresses, resources, etc.) about the network appliances in the network are stored <u>**on a server**</u> (not acting as a server as Appellant contends). Examiner does not find any differences between a directory stored on a server keeping track of appliance information (i.e. addresses) and Appellant's argued "management device" managing the addresses of the automation devices. This is because they are <u>both analogous</u> and therefore, the cited portion reads on the claim.

For the above reason, claim 41 stands rejected.

13. Primm fails to describe or suggest, "the mechanisms for sending and/or receiving are adapted for the direct collection of information from automation devices which make information available at the address which has been sent."

In reply to argument (13), Examiner asserts Primm taught the argued limitation as cited in both the Non-Final and Final office actions. The Examiner cites another portion, <u>Col. 7, Ln. 42~49</u>, to further clarify and support the previous cited portion. The passage provides an example of a camera appliance taking a picture of the person entering the door when the door sensor network appliance is activated. Since the camera network appliance is known to the door sensor network appliance (its address, information is known) all other network appliances in the network generally have knowledge of that camera network appliance. Therefore, door sensor network appliance already collected information about the camera sensor network appliance (its address

provided during discovery) and is able to communicate with it whenever an alarm is activated.

For the above reason, claim 42 stands rejected.

14. Primm fails to describe or suggest, "the request comprises a mechanism for canceling its forwarding through the automation devices on the basis of a time limit."

In reply to argument (14), Examiner asserts Primm taught the argued limitation as cited in both the Non-Final and Final office actions. Examiner directs Appellant to ¶17 in the specification which states "…the request made by an automation device to all further participants within the system does not necessarily live forever if none of the participants within the system is able to make information available…" A ping message in essence, does not "live forever" since a timeout will occur if a response isn't received within the a) default timeout value or b) user-defined timeout value. Hence, the timeout is similar to cancelling the ping message so as to avoid unnecessary network traffic.

15. Primm fails to describe or suggest, "the data transmission system is an Intranet and/or Internet."

In reply to argument (15), Examiner asserts Primm taught the argued limitation as cited in both the Non-Final and Final office actions. It appears Appellant has failed to carefully read the cited portion as the cited passage of Col. 6, Ln. 32~38 clearly teaches the network appliances connected to the interconnected network may be a global network, WAN (implies Internet), LAN (implies intranet), and among others.

For the above reason, claim 45 stands rejected.

16. Primm fails to describe or suggest, "a plurality of additional automation devices are configured to send and receive requests, the system further comprising a device other than one of the automation devices connected to the data transmission system for managing the addresses of the participating automation devices."

In reply to argument (16), Examiner asserts Primm taught the argued limitation as cited in both the Non-Final and Final office actions. It appears Appellant has failed to carefully read the cited portion as Col. 17, Ln. 60~Col. 18, Ln. 1~5 clearly teaches a device directory containing information (such as addresses, resources, etc.) about the network appliances in the network are stored **on a server** (not acting as a server as Appellant contends). Examiner does not find any differences between a directory stored on a server keeping track of appliance information (i.e. addresses) and Appellant's argued "management device" managing the addresses of the automation devices. This is because they are <u>both analogous</u> and therefore, the cited portion reads on the claim.

For the above reason, claim 46 stands rejected.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Hee Soo Kim/
Examiner, Art Unit 2157

/Ario Etienne/
Supervisory Patent Examiner, Art Unit 2157

/Salad Abdullahi/
Primary Examiner, Art Unit 2157